MT LEGISLATIVE HISTORY

Chapter 54 19 77

Bill H. 206 S _____ Original bill & hist. ___C

H. Committee on Hwys + Transp. S. Committee on Hwys + Tr.

Hearing Date(s) 1-27 ___C Hearing Date(s) 2-24 ___C

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_____ ___C _____ ___C

Date Out 2-2 ___C 3-3 ___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

INTRODUCED BY Jim Rountree, Casey Emerson, Harrington, Mular, Bradley, Metcalf, Mark Ellis, Lee History, Lynch, Boylan, Hagedorn, Hal Harper

HB 206 BILL NO. 206

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE REQUIREMENT OF HEADGEAR FOR MOTORCYCLE RIDERS EIGHTEEN YEARS OF AGE OR OLDER; AMENDING SECTION 32-21-105.1, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 32-21-105.1, R.C.M. 1947, is amended to read as follows:

"32-21-105.1. Headgear required for minor motorcycle riders -- noise suppression devices. (1) ~~The~~ An operator and passenger~~, if any,~~ under 18 years of age of any motorcycle operated upon the streets or highways of this state shall wear protective headgear upon the head. ~~Such~~ The headgear shall meet standards established by the department of justice.

(2) All motorcycles operated on the streets and highways of this state shall be equipped at all times with noise suppression devices, including an exhaust muffler, in good working order, and in constant operation. In addition, all motorcycles operating on streets and highways shall meet the following noise decibel limitations, on the standard A scale, such decibel limitations to be measured at ~~fifty (50)~~ feet distant from the closest point to the motorcycle:

~~1.~~ (a) Any motorcycle manufactured prior to 1970 92 db(A)

~~2.~~ (b) Any motorcycle manufactured after 1969 but prior to 1973 88 db(A)

~~3.~~ (c) Any motorcycle manufactured after 1972 but prior to 1975 86 db(A)

~~4.~~ (d) Any motorcycle manufactured after 1974 but prior to 1978 80 db(A)

~~5.~~ (e) Any motorcycle manufactured after 1977 but prior to 1988 75 db(A)

~~6.~~ (f) Any motorcycle manufactured after 1987 70 db(A).

(3) A person convicted of the violation of subsection (1), above, shall be fined ~~five dollars ($5)~~.

(4) A person convicted of the violation of subsection (2), above, shall be punished by a fine of not less than ~~ten dollars ($10) nor~~ or more than ~~one hundred dollars ($100)~~ or by imprisonment for not more than ~~ten (10)~~ days or by both such fine and imprisonment for the first such conviction; for a second conviction within ~~one (1)~~ year thereafter, such person shall be punished by a fine of not less than ~~twenty-five dollars ($25) nor~~ or more than ~~two hundred dollars ($200)~~ or by imprisonment for not more than ~~twenty (20)~~ days or by both such fine and imprisonment; upon a third or subsequent conviction within ~~one (1)~~ year after the

first conviction, such person shall be punished by a fine of not less than ~~fifty dollars ($50) nor~~ or more than ~~five hundred dollars ($500)~~ or by imprisonment for not more than ~~six (6)~~ months or by both such fine and imprisonment.*

-End-

HIGHWAYS AND
TRANSPORTATION COMMITTEE

45th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 10	"An act for the General Revision and Clarification of the Laws Relating to Aeronautics; Amending sections 1-401, 1-502, 1-701, 1-702..."	1-14-77	Hazelbaker	3/15/77	CONCURRED IN	3/15/77
HJR 10	"A Joint Resolution of the Senate and the House of Representatives of the State of Montana Requesting the Department of Highways to ..."	1-14-77	Seifert	1-27-77	AS AMENDED, DO	2/22/77
HJR 11	"A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the Congress of the U.S. to allow a maximum speed of sixty-five miles .."	1-17-77	Teague	1-25-77	DO PASS	2/11/77
SB 16	"An act for the General Revision and Clarification of Laws Relating to Recreational Vehicles and Conveyances; Amending Sections ...."	1-18-77	Graham	3/10/77	CONCURRED IN	3/10/77
SB 24	"An Act to Amend Sections 82A-112 and 82A-706.1, R.C.M. 1947, to Delete Requirement that one Member of the Highway Commission be an Attorney."	1-18-77	Thiessen	3/15/77	CONCURRED IN	3/15/77
HB 206	"An Act to Remove the Requirment of Headgear for Motorcycle Riders Eighteen Years of Age or Older; Amending .."	1-18-77	Courtney	1-27-77	Do Pass	2/2/77

HIGHWAYS AND TRANSPORTATION
COMMITTEE

January 27, 1977

The Committee on Highways and Transportation was called to order on January 27, 1977, at 3:30 p.m. with Chairman Baeth presiding and all members were present.

The following bills were scheduled for discussion today: HB 131, HB 206, HB 222, HB 393, HJR 10.

HOUSE BILL 222

Representative Moore, chief sponsor of this bill, stated he had second thoughts regarding this bill and there is some other action coming from the Senate. I suggest that the committee table the bill.

HOUSE JOINT RESOLUTION 10

Representative Siefert, chief sponsor of this bill, displayed a bumper sticker which is being used to try to control the heavy accident rate on Highway 93. He also had a print-out (exhibit 1) showing accident data on this portion of the highway during 1974 and 1975. The portion of highway is 57 miles long.

Col. Sol, chief of the Highway Patrol Bureau, spoke on the patrol's accident prevention program. He stated there was heavy slow-moving vehicles in that area. He also mentioned the possibility of turn-out lanes.

Jim Beck, attorney from the Department of Highways, spoke on this resolution. He said the department neither supports nor opposes it. He stated that they see financial and legal problems.

Jack Beckert, Administrator of the Engineering Division of the Department of Highways, said it would take 43.7 million dollars to do this work. If it was done under the existing financial district law, this would take all the funds available to district 1 and 8 to finance. There is no question of the need for the new construction, but the fact remains that the funding should be addressed. Mr. Beckert said he believed it would be appropriate for the legislature to consider special funding. He stated they will abide by your decision.

The sponsor, Rep. Siefert, mentioned an amendment - to take out the words "divided driving lanes" on page 2, line 17.

In answer to a question, Mr. Beckert said it would be fairly easy to set priorities on a certain small section that is particularly bad, but it takes approximately five years to complete such construction. Perhaps safety funds could be used, but these are limited.

HOUSE BILL 364

Representative Gould, Chief Sponsor of this bill, spoke on this bill for state-wide parking permits for handicapped people. Instead of a special license plate, a card would be issued.

Proponent Captain Tooley of the Montana Highway Patrol, said the provisions of this bill are needed in Montana. A fiscal note shows that the $1 fee is enough to fund this program.

The subject of special parking places was not addressed in this bill. This will be left up to the individual cities.

There were no opponents.

EXECUTIVE SESSION

HOUSE BILL 125

Subcommittee chairman Rep. Keyser distributed their report on this bill. Two amendments were suggested: Amend title, line 6, following "DAYS", insert "; TO EXTEND THE TIME ALLOWED FOR A DEALER TO FORWARD REGISTRATION PAPERS;". Also amend page 6, section 2, line 23, following "Within", strike "3" and insert "4 working".

Rep. Keyser made a motion to adopt amendments, seconded by Frates. It was unanimously approved. Rep. Wood and Mular were absent.

Rep. Keyser made a motion As Amended, Do Pass. Rep. Kropp seconded it. It was unanimously approved. Rep. Wood and Mular absent.

HOUSE BILL 206

Rep. Kropp moved Do Pass. Kanduch seconded it. It was unanimously approved. Rep. Wood and Mular absent.

HOUSE BILL 222

Rep. Hansen made a motion to table HB 222. Rep. Kanduch seconded it. It was unanimously approved. Rep. Wood and Mular were absent.

HOUSE BILL 393

This bill was deferred until the February 1, 1977 meeting.

HOUSE BILL 206

Representative Courtney, chief sponsor, said this bill removes the law that motorcycle riders must wear helmets, if over 18 years of age. It does not prevent anyone from wearing one, however, if they wish. Representative Cooney, co-sponsor, also spoke in favor of this bill.

Proponents:
Rick Pylypuw, representing ABATE, gave out a report explaining their goals and showing statistics on motorcycle deaths. He said they believe helmets cause more harm than good because of loss of vision and hearing and also affects control of the bike. Also helmets are hot and uncomfortable in the summer.

Other ABATE members spoke in favor of this bill: Jim Burns, Daniel Watts, Terry Ward, Rex Suoboda, Russell Jones, Dusty Ryders, Dick Richardson, George Richardson, Mike Mazzola, and Ray Dotson.

Dan Verwolf, representing Bozeman's United Bikers, also spoke in favor of this bill. Also Ward Roadarmel.

Opponents:
Sgt. Ted Stollfus of the Montana Highway Patrol spoke in opposition of this bill. He feels helmets are not a deterrent in vision or hearing and they can save lives.

Jerry Loendorf, representing the Montana Medical Association, spoke in opposition of this bill. He gave some statistics on helmets saving lives and gave out a report on this. Accident victims affect everyone to some degree.

Albert Goke, of the Highway Traffic Safety Division of the Department of Community Affairs, spoke in opposition. He said they cannot agree that the consequences of injuries only affect the victim. He also gave the chairman a report on a survey regarding the issues of vision, hearing, neck injuries, etc.

There was a discussion held on the design of helmets.

All statements and reports on HB 206 were marked exhibit 3.
Hearing closed on HB 206.

Rep. Kanduch moved to adjourn. Rep. Hansen seconded. Meeting adjourned at 5:35 p.m.

William R. Booth, Chairman

45th LEGISLATIVE SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
52	3/5	3/15							
82	2/2	2/8	2/8					2/8	
125	2/10	2/22	2/22				2/22		
131	2/10	2/24	2/24				2/24		
205	1/31	2/8	4/15						4/15
206	2/8	2/24	3/3				3/3		
276	2/17	2/22	2/22				2/22		
364	2/10	2/22	2/22				2/22		
373	3/5	3/17	3/17				3/17		
481	2/14	2/24	2/24				2/24		
579	2/16								
580	2/17	2/24	2/24				2/24		
626	2/21	3/3	3/3					3/3	
650	3/3	3/15	3/17// 3/24					3/17// 3/24	
656	3/2	3/10	3/10				3/10		
769	2/25	3/8	3/7 moved to Senate Taxation						

(Use Separate Sheet for Senate, House Bills, and Resolutions)

CONSIDERATION OF HOUSE BILL 206: Representative Courtney, chief sponsor of the bill, testified that the 1968 Federal Highway Act had required that all states have mandatory helmet laws or they would lose 10% of the highway funds allotted to the state. 47 states complied with this threat, three did not, one state of which was California. In 1976 federal law was amended to repeal the helmet rule, so there is no longer the threat of losing the highway funds. This bill would remove the mandatory helmet rule for all persons over 18 years of age, which is in keeping with the federal language. Some people are mistaken when they refer to this bill as anti-helmet, for the sponsors are not saying that people should not wear helmets, but only that it is the responsibility of those persons over 18 to decide.

Mr. Jim Burns from Flathead County testified that they had some 1164 signatures, on petitions that had been passed out at bike shows, of those who were in favor of this bill. Those who ride should decide. Mr. Burns said that he had never seen where helmets had done any good. When it is 90° outside, it is 130° inside the helmet. That produces a dangerous situation. There are no statistics available to prove that helmets have decreased the number of motor cycle fatalities.

Mr. Rick Pylypuw, the state coordinator of ABATE (A Brotherhood Against Totalitarian Enactments) of Montana, passed out packets of information to the committee. (Attached #1) Mr. Pylypuw reviewed the material in the packet with the committee members.

Mr. Russ Jones, representing bikers of Bozeman, testified that his objection to mandatory helmets was that they contributed to fatalities, as well as preventing them. He posed two questions before the committee: 1) Does your body belong to you or to the state? 2) Does the state have the right to force individuals to use an item that causes injury? The primary factors leading to biker accidents is that the automobile drivers do not see the bikers, and the lack of education as to how a bike should be operated. Most accidents occur within the first six months a biker has owned a motor cycle. There seems to be the assumption that because the state has approved mandatory helmet regulations that the state has granted some kind of guarantee of protection. This results in overconfidence on the road.

Mr. Jones proposed several alternatives to mandatory helmets: 1) Education. Drivers' Education should include training in the operation of motor cycles. That would help to achieve a basic understanding of the vehicles with which all drivers interact on the highways. 2) Motor cycle endorsement programs would also help to train cyclists to operate the cycles safer. 3) There should be retesting that occurs to renew any drivers' license every two years, which would help to eliminate the marginal drivers.

Mr. Rex Svoboda of Missoula ABATE, asked the committee when examining the war of statistics that it make sure that all of the statistics are valid. Mr. Svoboda said that he had been surprised at the number of people who objected to the government telling them what they had to do. Most bikers will wear the helmet anyway, but object to being forced to. Many police also favor the repeal of this law.

Mr. James Beyer of Missoula, testified that he would like to submit as evidence to the committee the helmets themselves. He passed two different helmets around - one that was approved and one that he preferred to wear that was not approved.

Mr. Doug Woodahl, a motor cycle repairman from Missoula, testified that he works on cycles for a living and wears the helmet on and off. Some of the reasons that he does not wear the helmet at times include: 1)he has gotten a bee caught in the helmet while riding on the highway; 2)he can't hear the noises that the owners of the cycles complain about with a helmet on.

Mr. Albert Goke, the Director of Highway Safety for the state, testified that in trying to weed through the various statistics available he had never been able to find any data that presumes the validity of an increase in injury due to the helmets. The data seems to indicate that the helmets are doing what they were intended to do. Mr. Goke passed a brief from the accident files around to the committee. (Attached #2)

Mr. Goke said that from the data, several things could be concluded: 1)If one is to make an age break, then 24 years of age could be better supported as the break point, for 78% of those involved in accidents are 24 or younger. 2)The accident rate for motor cycles is extremely high, but the data is not there to indicate the total number of miles traveled in the state on motor cycles. 3)There is still a provision in the 1966 law for all motor cycle riders. 4)We do not threaten a sanction now and we did not in the original bill. We have challenged the Federal government when the data is with us, but it is not in this case.

Mr. Goke commented that public opinion in surveys conducted through the drivers' license examination indicated that 87% say that they are for the helmet law. A Montana Auto Association poll in Nov. and Dec. of 1976 indicated that 84.7% support the law. Mr. Goke said that if education is the answer, then where is the process proposed. Drivers' Education now costs $108 per pupil and 13,000 completed the course last year.

Mr. Larry Majerus, Director of the division of Motor Vehicles in the Department of Justice, testified that after studying the research, it was his conclusion that we needed the law. He also said that there will be a problem with the enforcement of this bill - how is a patrolman supposed to know on the highway whether or not a cyclist is over 18 without stopping him?

Mr. Tom Downey, representing Montana International Insurance, testified that there should be a consideration made of the medical insurance for motor cyclists. Insurance runs $5 per 6 months for $5000 coverage for automobile drivers while it runs $45 per year for $500 coverage with a $50 deductible for motor cyclists. In speaking with Mr. Ed Judge of Great Falls, Mr. Downey said that he was told by Mr. Judge that the possibility of getting motor cycle insurance with medical coverage without the helmet law would be absolutely zero.

Mr. Ted Stollfuss of the Montana Highway Patrol, testified that of the 20 fatalities last year, 8 had been head injuries and only 2 of the victims had been under 18. In periferal visions tests with helmets there have been absolutely no restrictions to vision found. Hearing is not impaired by the helmet either. The whistling of the wind without the helmet is the same as with the helmet. Mr. Stollfuss said that he had been a motor cycle rider now for 20 years and that he was definitely in opposition to the bill.

Senator Graham asked of the 20 fatalities in 1976, how many of them were wearing helmets. Mr. Goke answered that he did not know. When the reports are filed, there is no mention of whether or not the helmets were on at the time of the accident. Sometimes there is no way of knowing, as the helmet is often the first thing removed by the public who often get to the accident first.

Senator Graham commented that it was not a question of whether or not the helmets were a protection, but rather one of whether the state wants to require the helmets to be worn. Maybe there are problems for the riders, but the same people should think of the anxious moments when someone is hurt and has to be under the care of someone for a long time and often becomes a welfare recipient. The helmets are required to save people time and effort.

Senator Aber asked what the first year was that helmets were required. Mr. Goke answered that they were first required in July of 1973.

Senator Lockrem asked if the philosophy behind the bill was the same as that behind the requirement that construction workers wear hard hats. Representative Courtney said that it was also the same as the philosophy that would require the wearing of seat belts.

Senator Smith asked Doug Woodahl if he has insurance. Mr. Woodahl answered that he did have insurance and that $10 was deducted from each paycheck for a group policy. He said that he has had no problem getting insurance and that the insurance companies were always around trying to sell them insurance.

Representative Courtney commented that although the sheet with the statistics showing the number of fatalities must also take into account the registration being up as well as the number of accidents. The helmets don't prevent the accidents.

Mr. Russ Jones demonstrated the place at the base of the skull that the helmet hits. With frontal impact, the helmet can cause the neck to be broken. The helmet might prevent or at least decrease the number on concussions, but it increases the number of broken necks.

Mr. Pylypuw commented that wearing helmets on the highway can lead to less control over the bike because of the bounce caused in the helmet. Aerodynamics causes the rider to go a different way than the cycle. A person has twice the control without the helmet.

DISPOSITION OF HOUSE BILL 206: Senator Smith commented that during the short break he had informally polled 30 motor cycle riders and they all favored the passage of the bill. Most of them said that they would continue to wear the helmets most of the time, but that they hated the restrictiveness of the law. Senator Smith said that he had been surprised that the proponents of the bill had not mentioned that the act had been declared unconstitutional somewhere along the line.

Senator Lockrem commented that his 15 year old son had made a good comment about this bill, that the people that won't wear the helmets are the ones that should be. Senator Lockrem said that in light of the testimony of the safety director, the law should read 24 and not 18 years of age.

Senator Hazelbaker commented that he could not understand the logic of the statements made by the group that they don't want to be told to do something that would be a safety precaution. Senator Lockrem said that it was the same as construction crews having to wear hard hats.

Senator Smith noted that the hard hats had a head band and did not fit as closely to the head as the insulated helmets. Senator Lockrem stated that there would be a problem of enforcement no matter what the age limit was and that we would be placing an unfair burden on the Highway Patrol.

Senator Smith said that 18 years of age was not arbitrary, but it would help to keep people from sticking a little kid on there without a helmet. Senator Aber commented that 18 was the same type of age restriction found in other areas of the law and therefore was not arbitrary.

Senator Lockrem moved that the bill be amended to read 24 years of age instead of 18. Senator Etchart seconded the motion. Senator Smith noted that this would make the act even more unconstitutional. Maybe all mention of age should be left out except for the problem with kids.

Senator Lockrem stated that the problem was that the municipalities now had local ordinances dealing with the issue of motor cycle helmets that would be invalidated by the passage of this law.

A roll call vote was taken on Senator Lockrem's motion to amend and it was defeated by a vote of two to six.

Senator Smith moved that HB 206 be concurred in. Senator Lockrem seconded the motion. A roll call vote was taken and the motion carried by a vote of five to three. Senator Smith will carry the bill.

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:25.

Dave Manning

DAVE MANNING, CHAIRMAN

STANDING COMMITTEE REPORT

March 3 19 77

MR. President

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE Bill No 206

Respectfully report as follows: That HOUSE Bill No. 206

BE CONCURRED IN

~~DO PASS~~

Chairman.

DAVE MANNING

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 206

INTRODUCED BY COURTNEY, COONEY, PALMER, HARRINGTON, MULAR, BRADLEY, METCALF, MARKS, UHDE, HIRSCH, DUSSAULT, HARPER, LYNCH

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE REQUIREMENT OF HEADGEAR FOR MOTORCYCLE RIDERS EIGHTEEN YEARS OF AGE OR OLDER; AMENDING SECTION 32-21-105.1, R.C.M. 1947."

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(2) All motorcycles operated on the streets and highways of this state shall be equipped at all times with noise suppression devices, including an exhaust muffler, in good working order, and in constant operation. In addition, all motorcycles operating on streets and highways shall meet the following noise decibel limitations, on the standard A scale, such decibel limitations to be measured at ~~fifty (50)~~ feet distant from the closest point to the motorcycle:

~~1.~~ (a) Any motorcycle manufactured prior to 1970 92 db(A)

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~~(20)~~ days or by both such fine and imprisonment; upon a third or subsequent conviction ~~within one-(1)~~ year after the first conviction, such person shall be punished by a fine of not less than ~~fifty-dollars-($50)--nor~~ or more than ~~five hundred--dollars-($500)~~ or by imprisonment for not more than ~~six-(6)~~ months or by both such fine and imprisonment."

-End-